



September 26, 2024

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VIA ECF

Hon. Margo K. Brodie, U.S.D.J.
United States District Court, E.D.N.Y.
225 Cadman Plaza East
Brooklyn New York 11201

Re: *Optium prelim injunction motion against Cascade (ECF 9394)*
In re Payment Card Interchange Fee
& Merchant Discount Antitrust Litig., 05-MD-1720-MKB-VMS

Dear Judge Brodie:

I am counsel for Claims Compensation Bureau, LLC (“CCB”), a third-party claims filer. We learned only this past week of the August 20, 2024 motion of Optium Capital LLC to enjoin the California state litigation brought against it by Cascade Settlement Services LLC (ECF 9394).

We ask that the court consider this letter *nunc pro tunc* for the limited purpose of bringing to the court’s attention authority that it lacks jurisdiction to enjoin Cascade’s state case.¹ According to Cascade, its California state case no longer seeks injunctive relief, but includes only declaration and damages claims, and it has informed the administrator it has withdrawn its requests to file the Optium-conflicted claims (ECF 9422-1 ¶¶ 11-12; ECF 9422-8 to 9422-9).

In *In re National Football League Players’ Concussion Injury Litigation*, 923 F.3d 96 (3d Cir. 2019), the Third Circuit held that private funding arrangements between third-party funders and class members were outside the purview of the class action, and that class counsel and the court had no jurisdiction to interfere with those arrangements. The same should apply here.

CCB has no affiliation with either Cascade or Optium, and writes to preserve its own rights should it assert a state court damages claim arising out of any unsatisfactorily resolved claims-filing conflict.

Respectfully submitted,

/s Brian D. Graifman

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¹ The court set September 16 as the date for responses (8/22/24 text order), which we did not learn of until afterwards, and jurisdiction is an issue that may be raised at any time.